

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION AT GREENEVILLE

In Re

NATCO, INC.,

Debtor

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CASE NO. 09-51245
Chapter 7 (converted)

MOTION OF ST. TAMMANY PARISH FOR RELIEF FROM THE AUTOMATIC STAY

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 9013-1(h), the court may consider this matter without further notice or hearing unless a party in interest files an objection. If you object to the relief requested in this paper, you must file with the clerk of the court at United States Bankruptcy Court, James H. Quillen United States Courthouse, 220 West Depot Street, Suite 218, Greeneville, TN 37743-4924, an objection within 15 days from the date this paper was filed and serve a copy on the movant's attorney, Edward T. Brading, Herndon, Coleman, Brading & McKee, P. O. Box 1160, Johnson City, TN 37605-1160. If you file and serve an objection within the time permitted, the court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the court will consider that you do not oppose the granting of the relief requested in this paper and may grant the relief requested without further notice or hearing.

Pursuant to sections 362 of the Bankruptcy Code, and Rules 4001 and 9001 et seq., F. R. Bankr. P., St. Tammany Parish, State of Louisiana, a creditor and party-in-interest, moves the court for relief from the automatic stay. As grounds for this motion, St. Tammany Parish states as follows:

1. This bankruptcy case was filed on May 7, 2009, as a chapter 11 case. It was converted to a chapter 7 case on October 5, 2009. A chapter 7 trustee has not been yet appointed.
2. The debtor and St. Tammany Parish are parties to a construction contract from 2007 under which the debtor contracted with the Parish to furnish all labor and materials and perform all of the work required to complete a project known as Administrative Complex (Towers Building) Renovations, being a renovation of a Parish building in Slidell, Louisiana.
3. Before this case was converted, the debtor abandoned the construction contract and the project and vacated the job site.
4. St. Tammany Parish must secure the job site, take action under the performance and payment bonds and other surety obligations undertaken by Travelers Casualty & Surety Company

of America in connection with the project, and do whatever is necessary to complete the renovation project described above. St. Tammany Parish contends that such actions are not in violation of the automatic stay of 362(a). To the extent that such actions are in violation, however, cause exists for relief.

For the foregoing reasons, St. Tammany Parish prays for the following:

a. As to St. Tammany Parish, an order terminating the automatic stay of 11 U.S.C. §362(a), such termination to be effective immediately notwithstanding Rule 4001(a)(3), F. R. Bankr.

P.

b. Such other and further relief as is just.

A proposed order is being served contemporaneously herewith.

Respectfully submitted,

/s/Edward T. Brading
Edward T. Brading (BPR#13724)
Herndon, Coleman, Brading & McKee
P. O. Box 1160
Johnson City, TN 37605-1160
(423)434-4700
Attorney for St. Tammany Parish

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the *Motion of St. Tammany Parish for Relief from the Automatic Stay* was served electronically and, in addition, on this date upon the persons and entities shown below and on the annexed mailing matrix (unless served electronically) by placing a true and exact copy of said document in the United States Mail addressed as follows, with sufficient postage thereon to carry the same to its destination.

Recovery Management Systems Corporation
25 SE 2nd Ave
Suite 1120
Miami, FL 33131-1605

NATCO, Inc.
1410 Hwy 11 West
Bristol, TN 37620

The parties served electronically are as follows:

Rick J. Bearfield (First Community Bank, N.A.), dmathes@bearmc.com, rjbearfield@bearmc.com
Robert R. Carl (Bank of America, NA), rcarl@bakerdonelson.com, nsands@bakerdonelson.com
Joseph K. Christian (John Deere Construction & Forestry Company), jchristian@lewisking.com, jwoodson@lewisking.com
Mark S. Dessauer (Dorothy M. Lundin, Clerk of the 25th Judicial District Court for the Parish Of Plaquemines), dessauer@hstdlaw.com, bchase@hstdlaw.com
Rodney A. Fields (John Deere Construction & Forestry Company), rfields@lewisking.com, jwoodson@lewisking.com
Rebecca B. Howald (Travelers Casualty and Surety Company of America), rhowald@manierherod.com
Fred M. Leonard (NATCO, Inc.), fredmleonard@earthlink.net
Steven D. Lipsey (Ford Motor Credit Company LLC), lipsey@s-hlaw.com, cindy@s-hlaw.com
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Gary R. Patrick (Battlefield Collision & Wrecker), gpatrick@pbsjlaw.com
Jeffrey S. Price (Travelers Casualty and Surety Company of America), jprice@manierherod.com
Rachel E. Ralston (Bank of Tennessee), rralston@hstdlaw.com
United States Trustee, Ustpregion08.kx.ecf@usdoj.gov

This the 7th day of October, 2009.

/s/Edward T. Brading
Edward T. Brading (BPR#13724)
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Johnson City, TN 37605-1160
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